

R657. Natural Resources, Wildlife Resources.
R657-59. Private Fish Ponds.

R657-59-1. Purpose and Authority.

(1) Under the authority of Sections 23-15-9 and 23-15-10 of the Utah Code, this rule provides the standards and procedures for private fish ponds.

(2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 of the Utah Code, and Department of Agriculture Rule R58-17.

(3) Any violation of, or failure to comply with, any provision of Title 23 of the Utah Code, this rule, or any specific requirement contained in a certificate of registration or ~~inspection exemption~~ certificate issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

R657-59-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.

(b) "Aquaculture facility" means any facility used for propagating, rearing, or producing aquatic wildlife or aquaculture products. Facilities that are separated by more than 1/2 mile, or facilities that drain to, or are modified to drain to, different drainages are considered to be separate aquaculture facilities, regardless of ownership.

(c)(i) "Aquaculture product" means privately purchased aquatic wildlife, or their eggs or gametes.

(ii) "Aquaculture product" does not include aquatic wildlife obtained from the wild.

(d) "Certified sterile salmonid" means any salmonid fish or gamete that originates from a health certified source and is incapable of reproduction due to triploidy or hybridization.

(i) Triploid salmonids accepted as sterile under this subsection shall originate from a source that is certified as incapable of reproduction using the following protocols:

(A) fish samples shall be collected, prepared, and submitted to a certified laboratory by an independent veterinarian, certified fish health professional, or other professional approved by the division;

(B) certified laboratories shall be limited to independent, professional laboratories capable of reliably testing fish sterility and approved by the division; and

(C) sterility shall be determined by sampling and testing 60 fish from each egg lot with procedures generally accepted in the scientific community as reliable for verifying triploidy with a 95% or greater success rate.

(ii). An aquaculture facility that receives certified sterile salmonid aquaculture product is not required to conduct additional sterility testing prior to

stocking the aquaculture product in a private fish pond, provided the sterile salmonids are kept segregated from other fertile salmonids.

(iii) Hybrid salmonid fish species accepted as sterile under this subsection are limited to splake trout (lake trout/brook trout cross) and tiger trout (brown trout/brook trout cross).

(e) "Exemption certificate" means a document issued by the division pursuant to R657-59-7 that exempts a designated private fish pond from the requirement of obtaining a certificate of registration to stock aquaculture product in the pond.

(f)(i) "HUC" or "Hydrologic Unit Code" means a cataloging system developed by the US Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States. HUCs are typically reported at the large river basin (6-digit HUC) or smaller watershed (11-digit and 14-digit HUC) scale.

(ii) HUC maps and other associated information are available at <http://water.usgs.gov/wsc/sub/1602.html>.

(g) "Ornamental fish" means fish that are raised or held for their beauty rather than use, or that arouse interest for their uncommon or exotic characteristics, including tropical fish, goldfish, and koi, but not including those species listed as prohibited or controlled in Rule R657-3-34.

(h) "Private fish pond" means a pond, reservoir, or other body of water, or any fish culture system which is contained on privately owned land and used for holding or rearing fish for a private, noncommercial purpose.

(i) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for pecuniary consideration or advantage.

(j) "Salmonid" means any fish belonging to the trout/salmon family.

R657-59-3. Certificate of Registration Not Required.

(1) A certificate of registration is not required to receive and stock an aquaculture product in a private fish pond, provided the following conditions are satisfied:

(a) the pond is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;

(b) the pond is properly screened consistent with the requirements in R657-59-15 to prevent the movement of aquatic wildlife into the pond or the movement of any aquaculture product out of the pond;

(c) the aquaculture product is delivered to the pond by a licensed aquaculture facility as defined in Section 4-37-103;

(d) the owner, lessee, or operator of the pond obtains from the aquaculture facility delivering the aquaculture product a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Section 4-37-501 authorizing the aquaculture facility to culture and transport the species of aquaculture product received at the pond;

(e) the species, strain, and reproductive capability of the aquaculture product received is authorized for stocking in the area where the pond is located consistent with the requirements in R657-59-16;

(f) the aquaculture product received is of sufficient size to be incapable of escaping the pond through or around the screen;

(g) the owner or operator of the private fish pond provides the aquaculture facility a signed written statement that the pond and aquaculture product received are in compliance with this section; and

(h) the owner, lessee, or operator of a private fish pond or an invitee has not previously been found in violation of any provision of Title 4, Chapter 37 or Title 23 of the Utah Code, or this rule.

R657-59-4. Aquaculture Facility Reporting Requirements.

(1) A person who owns or operates an aquaculture facility shall file an annual report with the division documenting each sale or transfer of live aquaculture product made pursuant to R657-59-3 and R657-59-7 to a private fish pond owner, lessee, or operator.

(2) The report shall contain:

(a) the name, address, and Utah health approval number of the person;

(b) the name, address, and phone number of the private fish pond's owner, lessee, or operator;

(c) the number and weight of aquaculture product by:

(i) species;

(ii) strain; and

(iii) reproductive capability;

(d) date of sale or transfer;

(e) description of the private fish pond location, including UTM coordinates; and

(f) written verification for each live sale or transfer that the private fish pond was inspected and is in compliance with the requirements of Sections 23-15-10(2) and (3)(c) and this rule.

(3) The report required in this Subsection shall be submitted to and received by the division no later than December 31.

R657-59-5. Certificate of Registration Required.

(1) A certificate of registration must be obtained from the division to receive, stock, or possess an aquaculture product in a private fish pond where:

(a) the aquaculture product is classified under R657-59-16 as an unauthorized species, strain, or reproductive capability for the area where the pond is located;

(b) the aquaculture facility does not deliver the aquaculture product directly to the private fish pond; or

(c) the owner, lessee, or operator of a private fish pond or an invitee is found in violation of any provision of Title 4, Chapter 37 or Title 23 of the Utah Code, or this rule.(2) A separate certificate of registration is required for each private fish pond as defined under "aquaculture facility" in R657-59-2.

R657-59-6. Application for a Certificate of Registration.

(1) A person may apply to receive a certificate of registration for a private fish pond by submitting an application with the required handling and inspection

fee to the Wildlife Registration Office, Utah Division of Wildlife Resources, 1594 West North Temple, Salt Lake City, Utah 84114.

(a) Application forms are available at all division offices and at the division's internet address.

(2) A certificate of registration may be issued after a division representative inspects the private fish pond and confirms that the pond and the aquaculture products requested for stocking in the pond meet all requirements in this rule and Title 23 of the Utah Code.

(3) The application may require up to 30 days for processing.

(4) The division may deny a private fish pond application where:

(a) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;

(b) the pond is located on a natural lake, natural flowing stream, or a reservoir constructed on a natural stream channel;

(c) the pond is not screened consistent with the requirements in R657-59-15;

(d) the source of the aquaculture product is not an authorized aquaculture facility with a health approval number issued pursuant to Section 4-37-501;

(e) the applicant or its agents or invitees have previously violated of any provision of Title 4, Chapter 37 of the Utah Code, Title 23 of the Utah Code, or this rule;

(f) receiving or stocking the aquaculture product in the pond may:

(i) violate any federal, state or local law or any agreement between the state and another party;

(ii) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;

(iii) pose an identifiable adverse threat to other wildlife species or their habitat; or

(iv) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives;

(g) the aquaculture product received is sufficiently small to be capable of escaping the pond through or around the screen; or

(h) non-salmonid aquaculture product will be stocked in a pond within the 100 year flood plain (below 6500 feet in elevation) in the Green River and Colorado River drainages and the pond does not meet FEMA standards on construction and screening.

(5) An application for private fish pond certificate of registration may not be denied without the review and consent of the division director or a designee.

(6) A private fish pond certificate of registration shall remain effective for 5 years from the date of issuance, unless:

(a) amended by the division at the request of private fish pond owner, lessee, or operator;

(b) terminated or modified by the division pursuant to R657-59-17; or

(c) suspended by the division or a court pursuant to Section 23-19-9.

(7) Certificates of registration are renewable on or before the expiration date identified on the certificate of registration and upon payment of the prescribed handling, and inspection fees.

R657-59-7. ~~Inspection Exemption~~ Certificate.

(1) Upon application for a private fish pond certificate of registration and a ~~risk assessment inspection~~ of the pond by the division under R657-59-6, the Division may issue an ~~inspection exemption~~ certificate in lieu of a certificate of registration where the following conditions exist:

(a) The pond is eligible to receive a certificate of registration under the requirements of this chapter;

(b) The pond and species, strain and reproductive capability of aquaculture product requested present no risk to native aquatic wildlife species because:

(i) the location and configuration of the pond physically eliminate the possibility of aquaculture product escaping into the surface waters of the state;

(ii) the pond has no inflow or outflow connection with the surface waters of the state;

(iii) the pond is located in an area where escapement of aquaculture product will cause no ecological damage to native aquatic wildlife species; or

(iv) the pond is located in an area where no Tier I or II aquatic wildlife species on the division's sensitive species list or threatened or endangered species listed under the Endangered Species Act will be threatened by the risk of escapement; and

(c) the aquaculture product is delivered directly to the pond by the aquaculture facility.

~~(d) the handling and inspection fee required for a certificate of registration in R657-59-7(1) is received by the division.~~

(2) The ~~inspection exemption~~ certificate shall have the legal effect of a certificate of registration for purposes of stocking the pond with the species, strain and reproductive capability of aquaculture product authorized in the ~~exemption~~ certificate.

(3) Aquaculture facilities supplying aquaculture product to private fish ponds operating under an ~~inspection exemption~~ certificate shall comply with:

(a) the written terms of the ~~inspection exemption~~ certificate; and

(b) the inspection and reporting requirements in R657-59-4.

(4) The ~~inspection exemption~~ certificate will:

(a) designate the species, strain and reproductive capability of aquaculture product that may be stocked in the pond;

(b) identify any restrictions or conditions relative to stocking and maintaining aquaculture product in the pond;

(c) identify the owner, lessee, or operator of the private fish pond; and

(d) describe the private fish pond's location, including UTM coordinates.

(5) The private fish pond ~~inspection exemption~~ certificate shall remain effective, without the requirement of renewal, for the useful life of the pond, provided:

(a) the ownership of the pond does not change;

(ab) the pond, screen, and inflow and outflow structures remain in the same state that existed when inspected;

(bc) the species, strain, and reproductive capability of aquaculture product

stocked and maintained in the pond remains consistent with the that authorized in the ~~inspection exemption~~ certificate; and

(ed) the ~~inspection exemption~~ certificate is not modified, terminated, or suspended by the division pursuant to Section 23-19-9, R657-59-1(3), or R657-59-17 or a court of competent jurisdiction.

(6) Any private fish pond operating under authority of an ~~inspection exemption~~ certificate which is modified, terminated, or suspended pursuant to Section 23-19-9, R657-59-1(3), or R657-59-17 shall be subject to the aquaculture product depopulation requirements in R657-59-8.

R657-59-8. Failure to Renew Certificates of Registration.

(1) If an owner, lessee, or operator of a private fish pond fails to renew the certificate of registration upon expiration, or the division suspends or terminates the certificate of registration, all live aquaculture products permitted under the certificate of registration shall be disposed of as follows:

(a) Unless the Wildlife Board orders otherwise, all aquaculture products must be removed within 30 days of suspension or the expiration date of the certificate of registration, or within 30 days after ice-free conditions on the water; or

(b) At the discretion of the division, aquaculture products may remain in the waters at the facility, but shall only be taken as prescribed within Rule R657-13 for Taking Fish and Crayfish.

(2) Aquaculture products in a private fish pond may not be moved alive unless the pond has received disease testing and is issued a health approval number from the Department of Agriculture and Food pursuant to Section 4-37-501.

(3) Aquaculture products from a private fish pond infected with any pathogen specified in the Department of Agriculture Rule R58-17 must be disposed of as directed by the division to prevent further spread of such pathogen.

R657-59-9. Reporting Requirements for Private Fish Ponds Authorized by Certificate of Registration.

(1) Any person that possesses a certificate of registration for a private fish pond must submit to the division an annual report of all live aquaculture products purchased or acquired during the year. This report must contain the following information:

(a) the name, address, and phone number of the private fish pond's owner, lessee, or operator;

(b) name, address, and certificate of registration number of the seller or supplier;

(c) the number and weight of aquaculture product by:

(i) species;

(ii) strain; and

(iii) reproductive capability;

(d) date of sale or transfer;

(2) A form for this information is provided by the division.

(3) The annual report must be received by the division no later than January 30.

R657-59-10. Importation.

(1)(a) The species, strains, and reproductive capabilities of live aquaculture products that may be imported and stocked in a private fish pond without a certificate of registration are provided in R657-59-16;

(b) A certificate of registration or exemption certificate is required to import and stock all species, strains and reproductive capabilities of live aquaculture products not specifically exempted from licensure in R657-59-16.

(2) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City. Applications may require up to 30 days for action.

R657-59-11. Acquiring and Transferring Aquaculture Products.

(1) Live aquaculture products, other than ornamental fish, may be:

(a) purchased or acquired only from sources that have a valid certificate of registration from the Utah Department of Agriculture and Food to sell such products or from a person located outside Utah if that person is approved by the Utah Department of Agriculture and Food to import the particular aquaculture product; and

(b) acquired, purchased or transferred only from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a fish health approval number as provided in Section 4-37-501. This also applies to separate facilities owned by the same entity since each facility is treated separately, regardless of ownership.

(2)(a) Any person who has been issued a valid certificate of registration may transport live aquaculture products as specified on the certificate of registration to the private fish pond.

(b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:

(i) name, address, certificate of registration number, and fish health approval number of the source;

(ii) number and weight being shipped, by species; and

(iii) name, address, and certificate of registration number, if applicable, of the destination.

R657-59-12. Inspection of Records and Facilities.

(1) The following records and information must be maintained for a period of two years and must be available for inspection by a division representative during reasonable hours:

(a) records of purchase and acquisition of aquaculture products, including records maintained in connection with the reporting requirements in R657-59-9;

(b) certificates of registration; and

(c) valid identification of stocks.

(2) The division and its authorized representatives may inspect a private fish pond at any time to verify compliance with the requirements of Title 23 of the Utah Code and this rule, and to conduct pathological testing.

R657-59-13. Prohibited Activities.

(1) A private fish pond may not be developed on a natural lake; natural flowing stream; or reservoir constructed on a natural stream channel.

(2) Live aquatic wildlife may not be collected from the wild and placed in a private fish pond.

(3) Any aquaculture product received or held in a private fish pond may not be released from the pond or transported live to another location.

(4) A private fish pond owner, lessee, or operator may not sell, donate, or transfer from the pond live aquaculture product, including gametes and eggs.

R657-59-14. Fishing License and Transportation of Dead Aquaculture Product.

(1) A fishing license is not required to take fish from a legally recognized private fish pond.

(2) A fishing license is not required to transport dead aquaculture product from a private fish pond, provided the person possesses a receipt with the following information:

(a) species and number of fish;

(b) date caught;

(c) certificate of registration number or ~~inspection~~ exemption certificate number of the private fish pond, where applicable; and

(d) name, address, and telephone number of the owner, lessee, or operator of the private fish pond.

(3) Any person that has a valid fishing license may transport up to a legal limit of dead aquaculture product from a private fish pond without further documentation.

R657-59-15. Screen Requirements.

(1) All inlets and outlets of a private fish pond must be screened as follows to prevent the movement of aquatic wildlife into the pond or the escapement of any aquaculture product from the pond:

(a) the screen shall be constructed of durable materials that are capable of maintaining integrity in a water and air environment for an extended period of time;

(b) the screen shall have no openings, seams or mesh width greater than the width of the fish being stocked;

(c) screen construction and placement shall eliminate any movement of aquaculture product into or out of the pond;

(d) screen dimensions shall be based on precluding escapement of the size of the fish being stocked;

(e) all water entering or leaving the pond, including run off and other high water events, shall flow through a screen consistent with the requirements of this subsection; and

(f) the screen shall be maintained and in place at all times while any aquaculture product remains in the pond.

(2) Ponds with no inlet or outlet to the surface waters of the state are not required to have a screen or device to restrict movement of aquaculture product.

R657-59-16. Species, Strains, and Reproductive Capabilities of Aquaculture Product Authorized by Area for Stocking in Private Fish Ponds Without a Certificate of Registration or ~~Inspection Exemption~~ Certificate.

(1) A certificate of registration or ~~inspection exemption~~ certificate must be obtained from the division pursuant to R657-59-6 and R657-59-7 prior to stocking in any private fish pond:

(a) non-salmonid aquaculture product; or

(b) any other species or reproductive capability of aquaculture product not specifically authorized in this Section.

(2)(a) The following subsections designate areas closed to stocking aquaculture product in private fish ponds using a general area identifier such as canyon, creek, spring, or location and then followed by a specific area identifier in the form of hydrologic unit code (HUC) or township and range.

(b) The general area identifier is included for purposes of reference only and may include all or part of the associated drainage.

(c) The HUC or township and range designations constitute the legal descriptions of the actual closed areas.

(3) Certified sterile salmonid aquaculture product may be stocked without a certificate of registration or ~~inspection exemption~~ certificate in any private fish pond within the state consistent with R657-59-3, except for ponds located within the following areas:

~~(a) Beaver County -- stocking is prohibited in the following:~~

~~(i) North Creek -- HUCs 160300070203, 160300070208; and~~

~~(ii) Pine Creek (near Sulphurdale) -- HUC 160300070501.~~

~~(b) Garfield County -- stocking is prohibited in the following areas:~~

~~(i) Birch Creek/Main Canyon -- HUC 140700050102;~~

~~(ii) Cottonwood Creek -- HUC 160300020406;~~

~~(iii) East Fork of Boulder Creek, West Fork Boulder Creek -- HUC 140700050206; and~~

~~(iv) Ranch Creek (East Fork Sevier River drainage) -- HUC 160300020405.~~

~~(c) Millard County -- stocking is prohibited in the following:~~

~~(i) Outlet Salt Marsh Lake -- HUC 160203011502;~~

~~(ii) Sulphur Wash -- HUC 160203011303;~~

~~(iii) Cockscomb Ridge -- HUC 160203011501;~~

~~(iv) Tungstonia Wash -- HUC 160203011302;~~

~~(v) Salt Marsh Lake -- HUC 160203011304;~~

~~(vi) Indian George Wash -- HUC 160203011301~~

~~(vii) Outlet Bishop Springs -- HUC 160203011203;~~

~~(viii) Warm Creek -- HUC 160203011204;~~

~~(ix) Headwaters Bishop Springs -- HUC 160203011202;~~

~~(x) Indian Pass -- HUC 160203011107;~~

~~(xi) Chevron Ridge -- HUC 160203011110;~~

~~(xii) Petes Knoll - HUC 160203011109;~~
~~(xiii) Red Gulch - HUC 160203011102;~~
~~(xiv) Horse Canyon - HUC 160203011106;~~
~~(xv) Hampton Creek - HUC 160203011105;~~
~~(xvi) Knoll Springs - HUC 160203011103;~~
~~(xvii) Browns Wash - HUC 160203011101;~~
~~(xviii) Outlet Baker Creek - HUC 160203011004;~~
~~(xix) Outlet Old Mans Canyon - HUC 160203011003;~~
~~(xx) Hendrys Creek - HUC 160203011104;~~
~~(xxi) Headwaters Old Mans Canyon - HUC 160203011002;~~
~~(xxii) Rock Canyon - HUC 160203011001~~
~~(xxiii) Silver Creek - Baker Creek - HUC 160203010806;~~
~~(xxiv) Outlet Weaver Creek - HUC 160203010804;~~
~~(xxv) Conger Spring - HUC 160203010702; and~~
~~(xxvi) Sheepmens Little Valley - HUC 160203010607.~~
~~(d) Piute County - stocking is prohibited in the following:~~
~~(i) Manning Creek - HUC 160300030203.~~
~~(e) Sevier County - stocking is prohibited in the following:~~
~~(i) Pole Creek (tributary to Clear Creek) - HUC 160300030103;~~
~~(ii) Salina Creek - HUC 160300030402; and~~
~~(iii) U M Creek - HUC 140700030101.~~
(a) Washington County - stocking is prohibited in the following areas:
 (i) Ash Creek - HUC 150100080405;
 (ii) Beaver Dam Wash - HUC 15010010;
 (iii) Laverkin Creek - HUC 150100080302;
 (iv) Leeds Creek - HUC 150100080906;
 (v) Baker Dam Reservoir/Santa Clara River - HUC 150100080704;
 (vi) Tobin Wash - HUC 150100080802;
 (vii) Sand Cove Wash - HUC 150100080801;
 (viii) Manganese Wash/Santa Clara River - HUC 150100080804;
 (ix) Wittwer Canyon/Santa Clara River - HUC 150100080808;
 (x) Cove Wash/Santa Clara River - HUC 150100080809;
 (xi) Moody Wash - HUC 150100080603;
 (xii) Upper Moody Wash - HUC 150100080602;
 (xiii) Magotsu Creek - HUC 150100080704;
 (xiv) South Ash Creek - HUC 150100080405);
 (xv) Water Canyon - HUC 150100080701);
 (xvi) Chinatown Wash/Virgin River - HUC 150100080508;
 (xvii) Lower Gould Wash - HUC 150100080508;
 (xviii) Grapevine Wash/Virgin River - HUC 150100080903;
 (xix) Cottonwood Wash/Virgin River - HUC 150100080909;
 (xx) Middleton Wash/Virgin River - HUC 150100080910;
 (xxi) Lower Fort Pierce Wash - HUC 150100080605;
 (xxii) Atkinville Wash - HUC 150100080303;
 (xxiii) Lizard Wash - HUC 150100080302;
 (xxiv) Val Wash/Virgin River - HUC 150100080307;
 (xxv) Bulldog Canyon - HUC 150100080310; and

(xxvi) Fort Pierce Wash - HUC 15010009.

(4) Fertile rainbow trout may be stocked without a certificate of registration or ~~inspection exemption~~ certificate in any private fish pond within the state consistent with R657-59-3, except for ponds located within the following areas and elevations:

- (a) Beaver County - stocking is prohibited in the following:
 - (i) North Creek - HUCs 160300070203, 160300070208; and
 - (ii) Pine Creek (near Sulphurdale) - HUC 160300070501.
- (b) Box Elder County - stocking is prohibited in the following:
 - (i) Morison Creek - HUC 16020308;
 - (ii) Bettridge Creek - HUC 16020308;
 - (iii) Death Creek - HUC 16020308;
 - (iv) Camp Creek - HUC 16020308;
 - (v) Goose Creek - HUC 17040211;
 - (vi) Raft River - HUC 17040210;
 - (vii) Fat Whorled Pond Snail Springs - Township 10 North, Ranges 4 and 5 West; and
 - (viii) Mantua Reservoir - HUC 16010204.
- (c) Cache County - stocking is prohibited in the following:
 - (i) Logan River - HUC 16010203;
 - (ii) Blacksmith Fork - HUC 16010203;
 - (iii) East Fork Little Bear River - HUC 16010203; and
 - (iv) Little Bear River - HUC 16010203.
- (d) Carbon County - stocking is prohibited in any private fish pond above 7000 feet in elevation.
- (e) Daggett County - stocking is prohibited in any private fish pond above 7000 feet in elevation.
- (f) Davis County - no areas closed to stocking fertile rainbow trout.
- (g) Duchesne County - stocking is prohibited in any private fish pond above 7000 feet in elevation.
- (h) Emery County - stocking is prohibited in any private fish pond above 7000 feet in elevation.
- (i) Garfield County - stocking is prohibited in the following areas:
 - (i) Birch Creek/Main Canyon - HUC 140700050102;
 - (ii) Cottonwood Creek - HUC 160300020406;
 - (iii) East Fork of Boulder Creek/ West Fork Boulder Creek - HUC 140700050206; and
 - (iv) Ranch Creek (East Fork Sevier River drainage) - HUC 160300020405.
- (j) Grand County - stocking is prohibited in any private fish pond above 7000 feet in elevation.
- (k) Iron County - no areas closed to stocking fertile rainbow trout.
- (l) Juab County - stocking is prohibited in the following areas:
 - (i) Sulphur Wash - HUC 160203011303;
 - (ii) Middle Pleasant Valley Draw - HUC 160203011402;
 - (iii) Lower Pleasant Valley Draw - HUC 160203011403;
 - (iv) Cookscomb Ridge - HUC 160203011501;
 - (v) Outlet Salt Marsh Lake - HUC 160203011502;

- (vi) Deep Creek Range - HUC 160203011503;
- (vii) Snake Valley - HUC 160203011504;
- (viii) Little Red Cedar Wash - HUC 160203011505;
- (ix) Trout Creek - HUC 160203060101;
- (x) Smelter Knolls - HUC 160203060104;
- (xi) Toms Creek - HUC 160203060201;
- (xii) Goshute Canyon - HUC 160203060202;
- (xiii) Indian Farm Creek - HUC 160203060204;
- (xiv) Spring Creek - HUC 160203060803;
- (xv) Fifteenmile Creek - HUC 160203060804;
- (xvi) East Creek/East Deep Creek - HUC 160203060805;
- (xvii) East Creek/East Deep Creek - HUC 160203060806;
- (xviii) West Deep Creek - HUC 160203060808;
- (xix) Horse Valley - HUC 160203060304;
- (xx) Starvation Canyon - HUC 160203060305;
- (xxi) Cane Springs - HUC 160203060307;
- (xxii) Fish Springs Range - HUC 160203060308;
- (xxiii) Middle Fish Springs Wash - HUC 160203060309;
- (xxiv) Lower Fish Springs Wash - HUC 160203060403;
- (xxv) Fish Springs - HUC 160203060405;
- (xxvi) Wilson Health Springs - HUC 160203060407;
- (xxvii) Vernon Creek - HUC 160203040102;
- (xxviii) Outlet Chicken Creek - HUC 160300050206;
- (xxix) Little Valley/Sevier River - HUC 160300050403;
- (xxx) Pole Creek/Salt Creek - HUC 160202010104; and
- (xxxi) West Creek/Current Creek - HUC 160202010107.
- (m) Kane County - no areas closed to stocking fertile rainbow trout.
- (n) Millard County - stocking is prohibited in the following areas:
 - (i) Outlet Salt Marsh Lake - HUC 160203011502;
 - (ii) Sulphur Wash - HUC 160203011303;
 - (iii) Cockscomb Ridge - HUC 160203011501;
 - (iv) Tungstonia Wash - HUC 160203011302;
 - (v) Salt Marsh Lake - HUC 160203011304;
 - (vi) Indian George Wash - HUC 160203011301
 - (vii) Outlet Bishop Springs - HUC 160203011203;
 - (viii) Warm Creek - HUC 160203011204;
 - (ix) Headwaters Bishop Springs - HUC 160203011202;
 - (x) Indian Pass - HUC 160203011107;
 - (xi) Chevron Ridge - HUC 160203011110;
 - (xii) Petes Knoll - HUC 160203011109;
 - (xiii) Red Gulch - HUC 160203011102;
 - (xiv) Horse Canyon - HUC 160203011106;
 - (xv) Hampton Creek - HUC 160203011105;
 - (xvi) Knoll Springs - HUC 160203011103;
 - (xvii) Browns Wash - HUC 160203011101;
 - (xviii) Outlet Baker Creek - HUC 160203011004;
 - (xix) Outlet Old Mans Canyon - HUC 160203011003;

- (xx) Hendrys Creek - HUC 160203011104;
- (xxi) Headwaters Old Mans Canyon - HUC 160203011002;
- (xxii) Rock Canyon - HUC 160203011001
- (xxiii) Silver Creek – Baker Creek – HUC 160203010806;
- (xxiv) Outlet Weaver Creek – HUC 160203010804;
- (xxv) Conger Spring – HUC 160203010702; and
- (xxvi) Sheepmens Little Valley – HUC 160203010607.
- (o) Morgan County - stocking is prohibited in the following areas:
 - (i) Weber River - HUC 16020102;
 - (ii) East Canyon Creek - HUC 16020102; and
 - (iii) Lost Creek - HUC 16020101.
- (p) Piute County - stocking is prohibited in the following areas:
 - (i) Manning Creek - HUC 160300030203.
- (q) Rich County - stocking is prohibited in the following areas:
 - (i) Bear Lake including all its tributaries - HUC 16010201;
 - (ii) Big Creek - HUC 16010101;
 - (iii) Woodruff Creek - HUC 16010101; and
 - (iv) Home Canyon and Meachum Canyon (Deseret Ranch) - HUC 16010101.
- (r) Salt Lake County - stocking is prohibited in the following areas:
 - (i) Big Cottonwood Canyon Creek - HUC 160202040201;
 - (ii) Little Cottonwood Canyon Creek - HUC 160202040202;
 - (iii) Mill Creek - HUC 160202040301;
 - (iv) Parleys Creek - HUC 160202040302;
 - (v) Emigration Creek - HUC 160202040303;
 - (vi) City Creek - HUC 160202040304; and
 - (vii) Red Butte Creek/Emigration Creek - HUC 160202040306.
- (s) San Juan County - stocking is prohibited in any private fish pond above 7000 feet in elevation.
- (t) Sanpete County:
 - (i) stocking is prohibited in the following areas west of the Manti Mountain Range divide:
 - (A) Dry Creek/San Pitch River - HUC 160300040201;
 - (B) Oak Creek/San Pitch River - HUC 160300040202;
 - (C) Cottonwood Canyon/San Pitch River - HUC 160300040203;
 - (D) Birch Creek/San Pitch River - HUC 160300040204;
 - (E) Pleasant Creek - HUC 160300040205;
 - (F) Dublin Wash/San Pitch River - HUC 160300040206;
 - (G) Cedar Creek - HUC 160300040207;
 - (H) Spring Hollow/San Pitch River - HUC 160300040208;
 - (I) Upper Oak Creek - HUC 160300040302;
 - (J) Petes Canyon/San Pitch River - HUC 160300040306;
 - (K) Uinta Gulch - HUC 160202020201;
 - (L) Upper Thistle Creek - HUC 160202020202;
 - (M) Nebo Creek - HUC 160202020203;
 - (N) Middle Thistle Creek - HUC 160202020204;

- (O) Dry Canyon/San Pitch River - HUC 160300040308;
- (P) Maple Canyon/San Pitch River - HUC 160300040309;
- (Q) Gunnison Reservoir/San Pitch River - HUC 160300040503;
- (R) Outlet San Pitch River - HUC 160300040505;
- (S) Beaver Creek - HUC 140700020201;
- (T) Box Canyon/Muddy Creek - HUC 140700020203;
- (U) Skumpah Creek-Salina Creek - HUC 160300030402; and
- (V) Headwaters Twelvemile Creek - HUC 160300040402.
- (ii) stocking is prohibited in any private fish pond above 7000 feet in elevation east of the Manti Mountain Range divided.
- (u) Sevier County – stocking is prohibited in the following areas:
 - (i) Pole Creek (tributary to Clear Creek) - HUC 160300030103;
 - (ii) Salina Creek - HUC 160300030402; and
 - (iii) U M Creek - HUC 140700030101.
- (v) Summit County – stocking is prohibited in the following areas:
 - (i) Bear River and all tributaries - HUC 16010101;
 - (ii) Mill Creek and all tributaries - HUC 16010101;
 - (iii) Muddy Creek and Van Tassel Creek - HUC 14040108;
 - (iv) Little West Fork/Blacks Fork - HUC 14040107;
 - (v) Black Fork - HUC 14040107;
 - (vi) Archie Creek - HUC 14040107;
 - (vii) West Fork Smiths Fork - HUC 14040107;
 - (viii) Gilbert Creek - HUC 14040107;
 - (ix) East Fork Smiths Fork - HUC 14040107;
 - (x) Dahalgreen Creek - HUC 14040106;
 - (xi) Henrys Fork - HUC 14040106;
 - (xii) Spring Creek and Poison Creek - HUC 14040106;
 - (xiii) West Fork Beaver Creek - HUC 14040106;
 - (xiv) Middle Fork Beaver Creek - HUC 14040106;
 - (xv) Echo Creek - HUC 16020101;
 - (xvi) Chalk Creek - HUC 16020101;
 - (xvii) Silver Creek - HUC 16020101;
 - (xviii) Weber River - HUC 16020101;
 - (xix) Beaver Creek - HUC 16020101;
 - (xx) Provo River - HUC 16020101;
 - (xxi) Kimball Creek - HUC 160201020101;
 - (xxii) Big Dutch Hollow/East Canyon Creek - HUC 160201020103;
 - (xxiii) Silver Creek - HUC 160201010403; and
 - (xxiv) Toll Canyon/East Canyon Creek - HUC 160201020102.
- (w) Tooele County - stocking is prohibited in the following areas:
 - (i) Toms Creek - HUC 160203060201;
 - (ii) Goshute Canyon - HUC 160203060202;
 - (iii) Eightmile Wash - HUC 160203060203;
 - (iv) Indian Farm Creek - HUC 160203060204;
 - (v) Willow Spring Wash HUC 160203060205;
 - (vi) Willow Canyon - HUC 160203080104;
 - (vii) Bettridge Creek - HUC 160203080106;

- (viii) East Creek/East Deep Creek - HUC 160203060806;
 - (ix) East Deep Creek - HUC 160203060807;
 - (x) West Deep Creek - HUC 160203060808;
 - (xi) Gullmette Gulch/Deep Creek - HUC 160203060902;
 - (xii) Pony Express Canyon/Deep Creek - HUC 160203060904;
 - (xiii) Badlands - HUC 160203060905;
 - (xiv) White Sage Flat/Deep Creek - HUC 160203060907;
 - (xv) Lower Fish Springs Wash - HUC 160203060403;
 - (xvi) Fish Springs - HUC 160203060405;
 - (xvii) Wilson Health Springs - HUC 160203060407;
 - (xviii) East Government Creek - HUC 160203040101;
 - (xix) Vernon Creek - HUC 160203040102; and
 - (xx) Faust Creek - HUC 160203040105.
- (x) Uintah County - stocking is prohibited in any private fish pond above 7000 feet in elevation.
- (y) Utah County - stocking is prohibited in the following areas:
 - (i) Starvation Creek - HUC 160202020101;
 - (ii) Upper Soldier Creek - HUC 160202020102;
 - (iii) Tie Fork - HUC 160202020103;
 - (iv) Middle Soldier Creek - HUC 160202020105;
 - (v) Lake Fork - HUC 160202020106;
 - (vi) Lower Soldier Creek - HUC 160202020107;
 - (vii) Upper Thistle Creek - HUC 160202020202;
 - (viii) Nebo Creek - HUC 160202020203;
 - (ix) Middle Thistle Creek - HUC 160202020204;
 - (x) Lower Thistle Creek - HUC 160202020205;
 - (xi) Sixth Water Creek - HUC 160202020301;
 - (xii) Cottonwood Canyon - HUC 160202020302;
 - (xiii) Fifth Water Creek - HUC 160202020303;
 - (xiv) Upper Diamond Fork - HUC 160202020304;
 - (xv) Wanrhodes Canyon - HUC 160202020305;
 - (xvi) Middle Diamond Fork - HUC 160202020306;
 - (xvii) Lower Diamond Fork - HUC 160202020307;
 - (xviii) Headwaters Left Fork Hobble Creek - HUC 160202020401;
 - (xix) Headwaters Right Fork Hobble Creek - HUC 160202020402;
 - (xx) Outlet Left Fork Hobble Creek - HUC 160202020403;
 - (xxi) Outlet Right Fork Hobble Creek - HUC 160202020404;
 - (xxii) Upper Spanish Fork Creek - HUC 160202020501;
 - (xxiii) Middle Spanish Fork Creek - HUC 160202020502;
 - (xxiv) Peteetneet Creek - HUC 160202020601;
 - (xxv) Spring Creek - HUC 160202020602;
 - (xxvi) Beer Creek - HUC 160202020603;
 - (xxvii) Big Spring Hollow/South Fork Provo River - HUC 160202030502;
 - (xxviii) Pole Creek/Salt Creek - HUC 160202010104;
 - (xxix) Middle American Fork Canyon - HUC 160202010802;
 - (xxx) Mill Fork - HUC 160202020104; and
 - (xxxi) Upper American Fork Canyon - HUC 160202010801.

- (z) Wasatch County - stocking is prohibited in the following areas:
- (i) Willow Creek/Strawberry River - HUC 140600040101;
 - (ii) Clyde Creek/Strawberry River - HUC 140600040102;
 - (iii) Indian Creek - HUC 140600040104;
 - (iv) Trout Creek/Strawberry River - HUC 140600040105;
 - (v) Soldier Creek/Strawberry River - HUC 140600040106;
 - (vi) Willow Creek - HUC 140600040301;
 - (vii) Current Creek Reservoir - HUC 140600040401;
 - (viii) Little Red Creek - HUC 140600040402;
 - (ix) Outlet Current Creek - HUC 140600040403;
 - (x) Water Hollow/Current Creek - HUC 140600040404;
 - (xi) Headwaters West Fork Duchesne River - HUC 140600030101;
 - (xii) Little South Fork Provo River - HUC 160202030201;
 - (xiii) Bench Creek/Provo River - HUC 160202030202;
 - (xiv) Lady Long Hollow/Provo River - HUC 160202030203;
 - (xv) Charcoal Canyon/Provo River - HUC 160202030204;
 - (xvi) Drain Tunnel Creek - HUC 160202030301;
 - (xvii) Lake Creek - HUC 160202030302;
 - (xviii) Center Creek - HUC 160202030303;
 - (xix) Cottonwood Canyon/Provo River - HUC 160202030304;
 - (xx) Snake Creek - HUC 160202030305;
 - (xxi) Spring Creek/Provo River - HUC 160202030306;
 - (xxii) Daniels Creek - HUC 160202030401;
 - (xxiii) Upper Main Creek - HUC 160202030403;
 - (xxiv) Lower Main Creek - HUC 160202030404;
 - (xxv) Deer Creek Reservoir-Provo River - HUC 160202030405;
 - (xxvi) Provo Deer Creek - HUC 160202030501;
 - (xxvii) Little Hobble Creek - HUC 160202030402;
 - (xxviii) Mill Hollow/South Fork Provo River - HUC 160202030104; and
 - (xxix) Mud Creek - HUC 140600040103.
- (aa) Washington County - stocking is prohibited in the following areas:
- (i) Ash Creek - HUC 150100080405;
 - (ii) Beaver Dam Wash - HUC 15010010;
 - (iii) Laverkin Creek - HUC 150100080302;
 - (iv) Leeds Creek - HUC 150100080906;
 - (v) Baker Dam Reservoir/Santa Clara River - HUC 150100080704;
 - (vi) Tobin Wash - HUC 150100080802;
 - (vii) Sand Cove Wash - HUC 150100080801;
 - (viii) Manganese Wash/Santa Clara River - HUC 150100080804;
 - (ix) Wittwer Canyon/Santa Clara River - HUC 150100080808;
 - (x) Cove Wash/Santa Clara River - HUC 150100080809;
 - (xi) Moody Wash - HUC 150100080603;
 - (xii) Upper Moody Wash - HUC 150100080602;
 - (xiii) Magotsu Creek - HUC 150100080704;
 - (xiv) South Ash Creek - HUC 150100080405;
 - (xv) Water Canyon - HUC 150100080701;
 - (xvi) Chinatown Wash/Virgin River - HUC 150100080508;

- (xvii) Lower Gould Wash - HUC 150100080508;
- (xviii) Grapevine Wash/Virgin River - HUC 150100080903;
- (xix) Cottonwood Wash/Virgin River - HUC 150100080909;
- (xx) Middleton Wash/Virgin River - HUC 150100080910;
- (xxi) Lower Fort Pierce Wash - HUC 150100080605;
- (xxii) Atkinville Wash - HUC 150100080303;
- (xxiii) Lizard Wash - HUC 150100080302;
- (xxiv) Val Wash/Virgin River - HUC 150100080307;
- (xxv) Bulldog Canyon - HUC 150100080310; and
- (xxvi) Fort Pierce Wash - HUC 15010009.
- (bb) Wayne County - no areas closed to stocking fertile rainbow trout.
- (cc) Weber County - stocking is prohibited in the following areas:
 - (i) North Fork Ogden River - HUC 16020102;
 - (ii) Middle Fork Ogden River and Gertsen Creek - HUC 16020102; and
 - (iii) South Fork Ogden River and Gertsen Creek - HUC 16020102.

R657-59-17. Division Authority to Restrict Private Fish Ponds.

(1)(a) Stocking and maintaining aquaculture products in private fish ponds pursuant to this rule is a conditional privilege that is subject to unilateral modification or termination by the division or other competent legal authority.

(b) Those who establish and maintain private fish ponds under this rule do so with the understanding that the laws and regulations governing private fish ponds are subject to change and that such changes may require:

(i) discontinuation of stocking particular species, strains, or reproductive capabilities of aquaculture product in the pond;

(ii) partial or complete depopulation of the aquaculture product in the pond;

(iii) modifications in screen requirements and other structural elements associated with the pond; or

(iv) new restrictions and requirements in connection with operating the pond and maintaining the aquaculture product within it.

(2) The division may unilaterally restrict a private fish pond operating with or without a certificate of registration or ~~inspection exemption~~ certificate from receiving or possessing particular species, strains and reproductive capabilities of aquaculture product previously authorized when stocking or continued possession of the product in the pond:

(a) violates any federal, state or local law or any agreement between the state and another party;

(b) negatively impacts native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;

(c) poses an identifiable adverse threat to other wildlife species or their habitat; or

(d) poses an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives.

(3) Any costs or losses incurred as the result of future modifications to this rule or the operational status of a private fish pond made pursuant to this section, including terminations and depopulations, shall be borne exclusively by the

owner, lessee or operator of the private fish pond.

KEY: wildlife, aquaculture, fish

Date of Enactment or Last Substantive Amendment: N/A

Notice of Continuation: New Rule

Authorizing, and Implemented or Interpreted Law: 23-15-9; 23-15-10